

Forest Service

Agriculture Handbook No. 718 Forest Landowners'
Guide to the Federal
Income Tax





Forest Service

Agriculture Handbook No. 718

Forest Landowners' Guide to the Federal Income Tax

Harry L. Haney, Jr., Garland Gray Professor of Forestry, Department of Forestry, Virginia Polytechnic Institute and State University, Blacksburg, Virginia

William L. Hoover, Professor of Forestry, Purdue University, West Lafayette, Indiana

William C. Siegel, Attorney and Forest Service Volunteer, River Ridge, Louisiana

John L. Greene, Research Forester, USDA Forest Service, Southern Research Station, New Orleans, Louisiana

The Office of the Chief Counsel of the Internal Revenue Service reviewed the manuscript and made many valuable suggestions for improvement

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of
race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building,
1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

Abstract

Harry L. Haney, Jr., William L. Hoover, William C. Siegel, and John L. Greene. 2000. Forest Landowners' Guide to the Federal Income Tax. Agriculture Handbook 718. Washington, DC: U.S. Department of Agriculture.

Updates, expands, and supersedes Agriculture Handbook No. 708, Forest Owners' Guide to the Federal Income Tax. Incorporates tax legislation passed and administrative changes promulgated since 1994. Provides a framework for analyzing forest management investments and a chapter on tax planning. Discusses Federal income tax considerations for Forest Land, including capital costs, reforestation tax incentives, depreciation and the Section 179 deduction, operating expenses and

carrying charges, the passive loss rules, timber income and capital gains, government program cost-share payments, tax treatment of other forest-related receipts, property exchanges, casualty losses and other involuntary conversions, conservation easements, installment sales, the alternative minimum tax for individuals, self-employment and Social Security taxes, and Christmas tree production. Explains forms of Forest Landownership, business management organization, how to research a tax question, sources of tax assistance, and how to keep forest records. Provides a glossary of terms, summaries of selected IRS Revenue Rulings, and a blank IRS Form T (Timber) for reporting forest-related activities.

Table of Contents

PAGE	PAGE
Chapter 1. Introduction	Planning Implications14
Purpose1	Substantial Initial Investment14
New Information1	Long Preproductive Period16
Internal Revenue Service Review2	Tax Considerations When Forest Land Is Acquired16
Chapter 2. Timber Investment Considerations	Tax Considerations When Selling Timber16
Characteristics of a Timber Investment3	Observation A. Conservat True Conservations
Risk3	Chapter 4. General Tax Considerations
Investment Expenditures4	Types of Forest Ownership and Operation17
Land4	Purpose for Holding Timber17
Merchantable Timber4	Personal Use17
Operating and Management Expenses5	Investment
Investment Revenues5	Business17
Timber Sales5	Active Business Interest17
Hunting Leases5	Passive Interest17
Miscellaneous Revenues5	Types of Taxpayers18
Economic Considerations5	Structuring Your Timber Activities18
General Economic Trends6	
Economic Decision Criteria6	Chapter 5. Cost Considerations
Net Present Value (NPV)6	Capital Costs21
Benefit/Cost Ratio (B/C)6	Original and Adjusted Basis21
Internal Rate of Return (IRR)7	Purchased Assets21
Equal Annual Equivalent (EAE)7	Inherited Assets21
•	Assets Received by Gift22
Timeline	Other Types of Acquisition22
A Forest Investment Example8	Allocation of Original Basis22
Summary11	Establishment of Accounts23
OL 1 0 T DI 1	Land Account23
Chapter 3. Tax Planning	Depreciable Land Improvement Account23
The Planning Team	Timber Accounts25
Developing Integrated Plans	Equipment Accounts26
Introduction13	Reforestation Tax Incentives26
Advantages of Timber Investments13	Amortization28
Fstate Planning Role 14	1 111101 UZUU011

The Tax Credit29	Interest Retained (Section 631(b))53
Depreciation and the Section 179 Deduction29	
Depreciation Deduction29	The Cutting of Standing Timber With an Election to Treat as a Sale (Section 631 (a))55
Section 179 Deduction35	Government Program Payments58
Disposition of Depreciated Property38	Qualifying Payments58
Operating Expenses and Carrying Charges38	Determining the Excludable Amount59
Carrying Charges39	Including Cost-Share Payments in Gross
The Passive Loss Rules40	Income60
Timber Held as Part of a Trade or Business in Which the Taxpayer Materially Participates40	Recapture Provisions61 Other Timber-Related Receipts61
Material Participation40	Information Returns61
Retired or Disabled Owners and Their Surviving Spouses41	imormation keturnsor
Reporting Expenses41	Chapter 7. Tax Implications of Property Exchanges
Timber Held as Part of a Trade or Business in Which You Do Not Materially Participate41	Introduction63
Timber Held as an Investment42	Nonrecognition Mandatory for Qualified Transactions63
Management Costs42	Properties Eligible for Like-Kind Exchange
Taxes42	Treatment63
Interest	Exchange of Real Property for Real Property64
Reporting Expenses43	The Meaning of Investment and Trade or Business64
Chapter 6. Income Considerations	Change in Use64
Timber Sale Receipts45	Time Considerations64
Determining the Amount of Gain or Loss45	Multi-Party Exchanges64
Costs of Sale45	Assumption of Liabilities65
Adjusted Basis45	Exchanges Between Related Parties65
How to Recover Your Basis45	Basis After a Nontaxable Exchange65
Recovery of Basis—Disposal of Standing Timber46	Application to Timber Properties65
Recovery of Basis—Cutting of Standing Timber46	Reporting of Like-Kind Exchanges66
Determining the Kind of Gain or Loss50	Chapter 8. Casualties, Thefts, and Condemnations
Capital Gain Status is Important51	Discussion Limited to "Timber"67
Capital Gains from Timber Transactions51	Normal Losses Not Deductible67
Sale of Standing Timber for a Lump Sum52	Noncasualty Losses67
	1 volicasually Losses07

Casualty Losses67	for More than 1 Year74
Disease or Insect Infestation68	Reporting Gain or Loss From Income-
Drought Loss68	Producing Property74
Combinations of Factors68	Condemnations74
Salvage Requirement68	Property Held for 1 Year or Less74
Determining the Amount of Deductible Loss68	Business or Investment Property Held for More Than 1 Year74
Determining Volume of Timber	Property Held Primarily for Sale74
Destroyed68	Property Held for Personal Use74
Determining Basis of Timber Destroyed69	Noncasualty Losses74
Year of Deduction69	
Destruction of Unmerchantable Timber70	Chapter 9. Tax Implications for Forest Stewardship
Buildings and Equipment70	Introduction79
Determining the Decrease in Fair Market Value70	Tax Law Keyed to Production of Income79
Theft Losses71	Conservation Easements79
Year Deducted71	Qualifications for Charitable Deduction of Conservation Easements80
Reduce Theft Loss by Anticipated Recovery71	
Multiple Damages71	Qualified Organization80
Condemnations71	Conservation Purpose80
Condemnations for Right-of-Way Easements71	Qualified Real Property Interest80 Valuation of Donation80
Basis for Figuring Gain or Loss72	Estate and Gift Tax Exclusion for Land
Recovery of Expenses72	Subject to a Qualified Conservation
Casualties and Thefts72	Easement81
Condemnations72	Chambar 10 Other Tay Carreldonations
Postponing Gains from Involuntary	Chapter 10. Other Tax Considerations
Conversions72	Installment Sales83
Determining the Gain73	Introduction83
Requirements to Postpone Gain73	Calculating Installment Sale Income83
Basis of Replacement Property73	Gross Profit Percentage83
Reporting Gains and Losses From Casualties,	Selling Price84
Thefts, Condemnations, and Noncasualty	Adjusted Allowable Basis84
Losses	Payments84
Casualties and Thefts73	Escrow Accounts84
Reporting Gain or Loss—Property Held for 1 Year or Less74	Electing Out84
Reporting Gain or Loss—Property Held	Unstated Interest and Imputed Interest85

Reporting Installment Sales85	Tenancy in Common	95
Sales to Related Parties85	Joint Tenancy	95
Alternative Minimum Tax for Individuals85	Tenancy by the Entirety	95
Alternative Minimum Tax Calculation86	Life Estates	95
Self-Employment, Social Security Tax86	Community Property	95
Treatment of Spouses87	Business Management Organization	96
Excluded Income Items87	Partnerships	96
Christmas Tree Growers87	Unlimited Liability	96
Other Forest Products87	Minors as Partners	96
Cost-Share Payments88	Partnership Taxation	96
How to Calculate Self-Employment Tax88	Limited Partnerships	96
Including Timber Gains in Self-Employment	Corporations	96
Income to Guarantee Benefits88	Corporate Taxation	97
Employment Status89	Subchapter S Corporations	97
Behavioral Control89	Tax Considerations	97
Financial Control89	Limited Liability Companies	97
Type of Relationship90	Income Tax Features	97
	Other Tax Entities	97
Chapter 11. Christmas Tree Production		
General Considerations91	Chapter 13. Researching a Tax Question	
Treatment of Costs91	and Appeals Procedures	
Establishment Costs91	Statutory Law	99
Operating Expenses and Carrying Charges91	Administrative Law	99
Uniform Capitalization Rules91	Revenue Rulings	100
Treatment of Income92	Revenue Procedures	100
Christmas Tree Sales Income92	Chief Counsel's Memoranda	100
Section 122192	News Releases, Notices, and	100
Section 631 (b)92	Announcements	
Section 631 (a)92	Private Letter Rulings	
Choose and Cut Operations94	Technical Advice Memoranda	
	Case Law	
Chapter 12. Form of Forest Landownership and	Federal Court System	
Business Organization	Tax Court	
Basic Ownership Considerations95	District Courts and Claims Court	
Sole Ownership95	Circuit Courts of Appeals	
Co-Ownership95	U.S. Supreme Court	102

Interpreting Case Law102	Accounts112
Audits and Appeals102	Accounts112
How Returns Are Selected for Examination102	Capital Accounts112
The Examination Process103	Land Account112
If You Agree103	Timber Account113
If You Do Not Agree103	Young-growth Subaccount113
How to Stop Interest from Accruing103	Plantation Subaccount113
Appeals Within the IRS104	Amortization of Reforestation113
Appeals to the Courts104	Depreciation Accounts113
Claims for Refund104	Expense Accounts113
Additional Information105	Capital Income Accounts113
Integrated Example of Tax Research105	Ordinary Income Accounts114
	General Business Accounts114
Chapter 14. Sources of Tax Assistance	A Comprehensive Example of Forest Land Purchases and Management114
IRS Publications	Records for Forest Land Purchases114
Commercial Tax Services	Records for Forest Land Management115
The Internet	
Current Developments	Glossary125
Guidebooks109	,
Chapter 15. Forest Records	Appendix 1. Summaries of Selected Revenue Rulings
Tax Purposes for Forest Landowners111	Basis and Depletion Allowance139
Management Information111	Capital Gains140
Accounting Methods111	Like-Kind Exchanges143
Cash Basis Method111	Involuntary Conversions143
Accrual Basis Method111	
Recordkeeping Systems112	Appendix 2. IRS Form T (Timber)145
Shoe Box112	
A Forest Landowner's Journal112	Index153
A Forest Landowner's Journal with	

List of Tables

PAGE	PAGE
Table 2-1. Transactions for a forest management example in the South, per acre8	Table 5-5. Straight line depreciation rates for nonresidential real property with a 39-year
Table 2-2. Cash flows with inflation and taxes for the investment example, per acre10	recovery period using the mid-month convention34
Table 2-3. Analysis of the forestry investment example, per acre11	Table 5-6. Maximum amounts deductible under Section 179, by year36
Table 5-1. Recovery periods under the MACRS General Depreciation System (GDS) and	Table 6-1. How noncorporate taxpayers are taxed50
Alternative Depreciation System (ADS) for	Table 6-2. How corporate taxpayers are taxed51
types of property commonly associated with forest operations30	Table 6-3. Federal and State conservation cost- share programs that are commonly used by
Table 5-2. Prescribed and accepted alternative depreciation methods for property, by GDS	forest owners and meet the requirements for exclusion from gross income58
recovery period32	Table 15-1. Evergreen: Tree farm accounts120
Table 5-3. 200 percent declining balance depreciation rates for nonfarm property with 3-, 5-, 7-, 10-, 15-, and 20-year GDS recovery periods using the half-year convention33	Table 15-2. Summary of cruise (appraisal) reports for Evergreen Tree Farm and Lonesome Pine Forest Land purchases
Table 5-4. 200 percent declining balance depreciation rates for nonfarm property with	Table 15-3. Allocation of Evergreen Tree Farm assets to capital accounts122
3-, 5-, 7-, 10-, 15-, and 20-year GDS recovery periods using the mid-quarter convention for property placed in service in the fourth quarter34	Table 15-4. Evergreen Tree Farm: Reforestation tax credit and amortization schedules for 1996 and 1997123

List of Figures

PAGE
Figure 2-1. Timeline for a timber investment, shown on a per-acre basis in 1998 dollars7
Figure 3-1. Timing of investment, annual management expenses, and harvest revenues, per acre
Figure 5-1. Schedule B of Form T (Timber): Acquisitions24
Figure 5-2. Schedule F of Form T (Timber): Capital Returnable Through Depletion27
Figure 6-1. Schedule F of Form T (Timber): Capital Returnable Through Depletion47
Figure 6-2. Schedule C of Form T (Timber): Profit or Loss From Land and Timber Sales48
Figure 6-3. Schedule F of Form T (Timber): Capital Returnable Through Depletion49
Figure 6-4. Schedule D of Form 1040: Capital Gains & Losses54
Figure 8-1. Schedule F of Form T (Timber): Capital Returnable Through Depletion76
Figure 8-2. Schedule F of Form T (Timber): Capital Returnable Through Depletion77
Figure 15-1. Evergreen Tree Farm: Journal116
Figure 15-2. Evergreen Tree Farm: Land Account
Figure 15-3. Evergreen Tree Farm: Merchantable Sawtimber Account–Volume Basis119
Figure 15-4. Evergreen Tree Farm: Young-growth Subaccount
Figure 15-5. Evergreen Tree Farm: Depreciable Land Improvement Account121
Figure 15-6. Evergreen Tree Farm: Merchantable Sawtimber Account–Cost Basis121